

JOHN HOLZER.

FEBRUARY 8, 1904.—Ordered to be printed.

Mr. BALL, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 6547.]

The Committee on Pensions, to whom was referred the bill (H. R. 6547) granting a pension to John Holzer, have examined the same and report:

The report of the Committee on Pensions of the House of Representatives, hereto appended, is adopted and the passage of the bill is recommended.

The House report is as follows:

John Holzer, of Wilmington, Del., enlisted May 14, 1898, as a private in Company H, First Regiment of Delaware Infantry, and was honorably mustered out with the company November 16, 1898. On August 14, 1899, the claimant filed an application for pension alleging that while in the service, about June, 1898, while getting off a train on which he returned to his command from furlough, he fell and incurred injury of left hand and head, resulting in vertigo and giddiness. The hospital records, as reported by the War Department, show that he was under treatment from June 23 to July 14, 1898, for lacerated wound of scalp and fracture of the third metacarpal bone, left hand, injury received by jumping from train which did not stop at station, while he was returning from leave of absence.

In addition to the record, the facts bearing upon the receipt of the alleged injuries by claimant are testified to by Surg. James L. France, Col. I. P. Wickersham, and Capt. E. E. Rogers, regimental and company officers. Captain Rogers's affidavit is to the effect that claimant was given a twenty-four hours pass on or about midnight the 20th of June, 1898, to permit him to go to New York City to transact some personal business, and in order to report back to camp within the time limit specified in the pass he was compelled to catch a freight train from Wilmington, Del., and upon arriving at Middletown, Del., where his company was stationed, he found that the train would not stop and he jumped off, sustaining the injuries set forth in his application. Captain Rogers further states that by reason of his injuries claimant has been unable to resume work at his trade, that of a morocco staker, since the muster out of the regiment.

Doctor France, in an affidavit filed in support of the bill, states that he has treated the claimant for the injuries since discharge, and that the same unfit him for manual labor. It also appears from claimant's own statements that he is now about 44 years old and without property or income.

The Pension Bureau rejected the application on the ground that, claimant being on furlough at the time his injuries were received, he was not in line of duty, and this view of the case was no doubt technically correct, but it is apparent that claimant was injured through no fault of his own and wholly by reason of his desire to get back to his command within the limits of his pass, and he, being in the service at the time, a grant of relief proportioned to the degree of disability from his injuries seems to be justified.

The passage of the bill is therefore recommended.